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1 December 2004

**CERTIFIED & REGULAR U.S. MAIL**

Darlington Amadasu  
P.O. Box 6263  
Cincinnati, OH 45206

Re: Amadasu v. Donovan, et al.

Dear Mr. Amadasu:

I write regarding your deposition, which had previously been properly noticed for 29 October 2004 even though you failed to appear at this time. Our motion to dismiss on that basis is currently pending. Nonetheless, while we await the Court's decision on that motion, we need to move forward with discovery. However, none of the small handful of dates that you proposed on 24 November 2004 -- all of which were in the two-week period immediately following that proposal -- will work for the Ohio Defendants and/or their counsel. Additionally, it is my understanding that counsel for the Texas Defendants, who obviously will be participating in the deposition as well, has a trial setting next week that conflicts with the few dates you proposed.

On a related note, there is no merit to your statement that our failure to depose you on one of the five dates that you have proposed would amount to a "forfeiture and waiver" of our right to depose you. First of all, your assertion is contrary to Rule 30 of the Federal Rules of Civil Procedure. Second, as I have advised you above, the five dates that you have proposed -- on very short notice -- will not work with our schedules. Additionally, having intentionally failed to appear for your properly noticed deposition on 29 October 2004, we do not believe that you are in any position to attempt to limit your availability in such a drastic fashion.

The Ohio Defendants are available to take your deposition on any day during the week of 13 December 2004; thus any day from the 13th through the 17th of December is what we are

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now proposing. Please let me know immediately which of these dates is best for you.

Very truly yours,

A handwritten signature in black ink, appearing to be "Justin D. Flamm", with a long horizontal flourish extending to the right.

Justin D. Flamm

JDF:srs

cc: Ramiro Canales (via telecopy)



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DARLINGTON AMADASU  
Plaintiff

Case No: C - 1 - 01 - 210

Black/Dlott

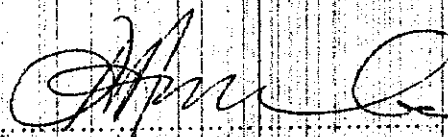
JAMES R. DONOVAN, MD, et al  
Defendants

**PLAINTIFF'S NOTICE OF AGREED 12/13/04  
FOR DEFENDANTS' DEPOSITION OF  
PLAINTIFF**

**Plaintiff's Deposition By Defendants:**

Please Take Notice That plaintiff will be available for defendants to depose him on  
**DECEMBER 13, 2004** at 9:00 a.m. at Mr Flamm's office.

Plaintiff had by two consecutive notices served and filed suggested any of these dates,  
December 1, or 2, or 3, or 6, or 7, 2004 at Mr Flamm's office at 9:00 a.m. convenient to defendants to  
depose plaintiff. Ohio defendants, by their December 01, 2004 letter rejected plaintiff's suggested  
dates but in lieu of plaintiff's suggested dates, Ohio defendants affirmed that they would depose  
plaintiff on any day from 12/13 to 12/17, 2004. Accordingly, defendants set 12/13/04 for deposition of  
plaintiff.



Darlington Amadasu, Plaintiff

**CERTIFICATE OF SERVICE**

I certify that copy of the foregoing was served on Justin D Flamm  
by delivery to receptionist and on Ramiro Canales by fax on 12/06/04.



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